IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.4471 OF 2001

Pramod Motilal Kapadia .. Plaintiff
V/s
M/s.Ajeet Construction Co.& Ors. .. Defendants

Ms.Mamta Panigrahi i/by Kiran Jain & Co.for Plainfiff.

CORAM: S.C.DHARMADHIKARI, J.

DATE : 14.06.2005.

P.C.:

1. Brother Vazifdar J. has already passed a decree against Defendant Nos.1 and 3 at the hearing of Summons for Judgment No.977 of 2003 taken out in the present suit. The learned Counsel appearing for the plaintiff informs me that as far as 2nd Defendant is concerned, although he is duly served, he has not taken any steps to enter appearance. The 2nd Defendant has not also appeared personally at any time. Affidavit proving service is already on record. In the light of the fact that the Defendant No.2 is duly served and no steps have been taken to represent him, a decree as against Defendant No.2 would follow.

2. The original documents have already been tendered and are taken on record at the time when the decree has been passed against Defendant Nos.1 and 3. The learned Counsel is therefore permitted to rely upon them while claiming a decree against Defendant No.2 as well. Hence the following order:-

ORDER

"There shall be a decree against Defendant No.2 as prayed for. The further interest would be at the rate of 6% p.a.from the date of filing of the suit till payment and/or realisation. Refund of Court fees and computation of Advocate’s costs as per rules."

(S.C.DHARMADHIKARI J.)